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EXAMINER

IRSHADULLAH, M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,837

Applicant(s)

CURTIS ET AL

Examiner

M. Irshadullah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is in response to the amendment filed September 12, 2003.

Summary Of Instant Office Action

2. Applicant's arguments regarding claims 1-23 rejection under 35 U.S.C. 103, Paper No. 7, mailed March 13, 2003 have been fully considered and are responded below.

3. Claims 17-22 have been renumbered as 17-23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (SP-to-SP Service Ordering Specification and its implementation) in view of Safadi (US Patent 5,847,751).

Chen et al show:

Claim 1. A system for supporting the management of an integrated communications provider (ICP) (Abstract, lines 1-3, 14-18 recited with page 82,

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lines 7-9 and Figs. 1, 2, 6. Reference's MSP is the claimed ICP), said system comprising:

a) a computer processor means for inputting and processing information (Fig. 7, described page 87, lines 15-30. From the citations, Applicant will appreciably realize that the reference system were employing a computer which inherently would have a processor controlling or supporting the functions of inputting, displaying, computation (processing) etc.) necessary to the management of an ICP (forementioned functions would be used by MSP (ICP) for managing the provision of TMN service);

b) wherein the computer processor further comprises a graphical user interface (Fig. 7 (GUI), page 87, line 29, page 88, lines 10-11) for displaying information or data entry prompting requests to a human operator (Cited GUI would be used by reference system users including a human operator for claimed limitations);

c) a pre-order management component (page 82, lines 19-20, 21-22 and page 83, lines 1011 read with lines 18-20. Applicant will appreciate that citations infer the availability of a program module (component) for claimed pre-order management) comprising instructions for retrieving customer service records from telecommunication service providers (forementioned program would have codes or instructions for obtaining (retrieving) customer records (Fig. 6 (customer record) and page 85, Fig. A (Get customer profile-arrow directing from left (MSP) to right SSP) and (Customer profile) being retrieved from SSP (telco. service provider-page 82, line 15) as indicated by arrow pointing from right to left) and

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parsing said customer service records into reports containing equivalent ICP services (page 88, lines 15-16 and 17 read with page 81, line 1-3-billing in line 3 and page 83, line 17. Applicant will appreciate that reference's "sub-processing" infers the system's capability of "breaking (parsing)" customer's information (records) into various requisite portions and reference's "bill" creating function would be used for preparing claimed reports comprising services which would be available from the MSP (ICP)-equivalent ICP services. Furthermore, bill itself is a report which comprises (contains) items broken up from the customer services usage transaction records, the same function would be used for crafting the claimed report);

e) a service management component (Fig. 3 (RFS, Service offer, Service order, Service), page 83, lines 1-23 and page 86, lines 8-10. The citations clearly infer the presence or availability of claimed service management program module (component) comprising instructions (said program would inherently comprise codes (instructions) for creating and tracking work plans (page 86, 3, page 87, line 3 and page 81, line 14);

f) wherein said work plans (as discussed above) comprise a work activity event for performing installation or troubleshooting (page 80, lines 1-3 and page 87, line 9-10 wherein "service management" and "fault management" and "leased lines" indicate to claimed service installation and trouble shooting) of each sub-model component of a telecommunications service provided by the ICP to a customer (Fig. 2, page 82, lines 7-14. Here, B, C and D and E indicate the claimed sub-model components of services provided by A to Customer);

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g) a circuit management component comprising instructions for creating a hierarchal list comprising ICP on-net circuit assignments and off-net circuit assignments (page 80, lines 1-2, page 87, line 13 (software) and Fig. 7 (Database). Here, cited software and "defined set of basic processes" would encompass program(s) module(s) to enter (create) information relating to components available with (owned by) MSP (ICP)-on-net (Background-Specification, page 6, line 4) and components it would acquire from other participating or contracting partners (SSP) off-net (Background, Specification, page 6, line 5) in file (list or hierarchical list) format in the cited database);

h) wherein said circuit management component (as discussed above) further comprises instructions for creating a cutover work plan (page 88, line 22 recited with page 81, line 14. Here, firm order pointing to claimed cutover plan);

i) wherein said circuit management component (as discussed above) further comprises an automatic means of receiving requests from trading partners of the ICP (Fig. 6 (MSP-ICP and SSP where SSP are contracting (trading) partners and page 81, lines 17-18, page 86, line 11);

j) wherein said requests from trading partners are either rejected or inserted into said hierarchal list (page 85, Fig. A (pre-order reject and order reject and page 86, line 3 (creation). Citations clearly show rejection by SSP and alternative entering (inserting) into database is inherently inferred);

k) a design management component (page 87, line 13 (software) read with page 82, line 18 and page 85, lines 6-7. Citations infer a program module (component) for managing design) comprising instructions for automatically

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selecting a communications service model (said program would have codes (instructions) and reference's "automation" function (page 81, lines 17-18 and page 86, line 11) would be used for claimed purpose);

l) decomposing said service model into sub-model components and creating a communications design therefrom (page 88, lines 15-16 and 17 and page 82, line 18, page 85, lines 6-7. Reference's "sub-processing" function infers "breaking-up (decomposing)" and "design" function and said functions would be used for claimed purpose); and

m) wherein said design management component (as discussed above) further comprises instructions (as discussed above) for automatically issuing service requests to ICP trading partners (page 81, line 18, page 85, lines 6-7 recited with page 81, lines 32-33, Fig. 4 (issue a pre-order request as indicated by arrow from MSP (ICP) toward SSP and page 85, Fig. A (place an order and arrow showing MSP toward SSP).

In the following element Chen et al do not show the undernoted claimed features:

d) a gateway for transferring information to and receiving information from telecommunication service providers;

However, Safadi teaches the same (Fig. 1 (20), col. 5, lines 35-44. Applicant will appreciate that Safadi's VIPs (video information providers) are the telecom. service providers to VIUs (video information users) through a network-abstract, lines 1-3). While Chen et al provide a combined (SP-to-SP) communication {telecommunication} service system to clients or customers, Safadi deals with

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network structure for providing services from VIPs {video information providers} to remotely located VIUs {video information users} or remote communication {telecommunication} service employing a gateway.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Safadi's features into Chen et al's system, thereby providing a system with enhanced capability and extended functionality.

Claims 2, 9 and 18. The system, wherein the customer service records are retrieved using electronic data exchange with said telecommunication service providers (Chen et al: Fig A (Get customer Profile- arrow from MSP to SSP) and SSP (Customer Profile-arrow from SSP to MSP) and use of electronic data interchange (exchange) is inherent, since data are being transferred (exchanged) among computers, the electronic devices).

Claims 3, 10 and 19. The system, wherein the gateway (See discussion of Applicant's claim 1 d) above) conforms to order and billing forum requirements for electronic data exchange (Chen et al: page 85, line 4 (conform), page 80, lines 10 and 3 and discussion about electronic data exchange above).

In the following claims:

Claims 4, 11 and 20. The system, wherein the gateway comprises instructions for validation checking in conformance with local service ordering

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guidelines and access service ordering guidelines established by telecommunication service providers.

Chen et al show the undernoted features:

local service ordering guidelines and access service access guidelines established by telecommunication service providers (page 85, lines 1-2); yet

Chen et al do not show the features below:

gateway comprises instructions for validation checking.

However, Safadi teaches the same (Col. 5, lines 36 and 38).

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to include Safadi's features into Chen et al's system, thereby providing a system with enhanced capability and extended functionality.

Claims 5, 12 and 21. The system, wherein the design management component further comprises an optimizing algorithm (Chen et al: page 82, line 18 and page 85, lines 6-7 read with page 87, line 13. Regarding optimizing algorithm, it is inherent, since optimization is the basic requisite of a program (algorithm) including design management one).

Claims 6, 13 and 22. The system, wherein the processor comprises a hosting processor means and a network connectivity means, said network connectivity means further comprising connectivity to a network selected from the group of networks including a local area network, the Internet, an intranet, a wireless network, a wireless local loop network, or a network comprised of

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combinations of local area networks, the Internet, intranets, wireless networks, and wireless local loop networks (Chen et al: Fig. 6 (server), page 86, line 11, Fig. 7 (SP Server objects, page 87, line 18 and 28-29, Figs. 4, 5, A, 6-8) depict network connectivity which would encompass the claimed forms).

Claims 7, 14 and 23. The system, wherein the graphical user interface is displayed using hypertext markup language (Chen et al: Fig. 7 (GUI) and page 80, line 19 and page 86, line 8).

Claim 8. A system for managing sales proposals (Chen et al: page 87, lines 1-2) of an integrated communications provider (ICP) ((See the discussion of Applicant's claim 1 preamble above), said system comprising:

a) a computer processor means for inputting and processing information necessary to the management of an ICP (See the discussion of Applicant's claim 1a) above);

b) a gateway for transferring information to and receiving information from telecommunication service providers (See the discussion of Applicant's claim 1d) above);

c) a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing said customer service records into reports containing equivalent ICP services (See the discussion of Applicant's claim 1c) above);

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d) a design management component comprising instructions for selecting a communications service model (See the discussion of Applicant's claim 1k) above);

e) decomposing said service model into sub-model components and creating a communication services sales proposal therefrom (See the discussion of Applicant's claim 1l) above and Chen et al: page 87, lines 1-2);

f) wherein subsequent versions of said sales proposal are automatically created (Chen et al: page 80, line 8, page 81, lines 7-9 read with page 81, lines 7-18 and page 87, lines 1-2. Reference's "modeling", "automating" would be used to develop (create) cited proposals (sales proposals) subsequent to a request from a human operator for alternate communication service models (Chen et al: page 81, lines 12-13. Applicant will appreciate that reference's "negotiation" infer back and forth discussion (requests and responses) between the parties involved including an operator (human operator) and said proposal would be developed (created) after one party (customer, MSP etc.) requests so to said operator);

g) wherein said design management component further comprises instructions for issuing service requests to ICP trading partners (See the discussion of Applicant's claim 1m) above);

h) wherein such requests to ICP trading partners comprise requests for local service request, assignment of telephone number request, assignment of Internet protocol address, and requests for data broadband services (Chen et al: page 81, lines 31-33 and page 87, line 9. Applicant will appreciate that "voice"

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infers telephone number request from local service provider, web infers request for IP address and data encompasses broadband service).

i) wherein said design management component further comprises instructions for creating cutover reports subsequent to acceptance of a sales proposal by a customer (See the discussion of Applicant's claim 1h) above);

j) a service management component comprising instructions for creating and tracking work plans (See the discussion of Applicant's claim 1e) above);

k) wherein said work plans comprise a work activity event for performing installation or troubleshooting of each sub-model component of a telecommunications service provided by the ICP to a customer (See the discussion of Applicant's claim 1f) above); and

l) a circuit management component comprising instructions for creating a hierarchal list of ICP on-net circuit assignments (See the discussion of Applicant's claim 1g) above).

Claim 15. A system for managing sales proposals of an integrated communications provider (ICP), comprising:

a) a computer processor means for inputting and processing information necessary to the management of an ICP (See the discussion of Applicant's claim 8a) above);

b) a gateway for transferring information to and receiving information from telecommunication service providers (See the discussion of Applicant's claim 8b) above);

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c) a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing said customer service records into reports containing equivalent ICP services (See the discussion of Applicant's claim 8c) above);

d) a design management component comprising instructions for selecting a communications service model (See the discussion of Applicant's claim 8d) above);

e) decomposing said service model into sub-model components and creating a communication services sales proposal therefrom (See the discussion of Applicant's claim 8e) above);

f) wherein subsequent versions of said sales proposal are automatically created subsequent to a request from a human operator for alternate communication service models (See the discussion of Applicant's claim 8f) above).

Claim 16. The system of claim 15 wherein the design management component further comprises instructions for compiling sales proposals from multiple customer locations into a single consolidated sales proposal (Chen et al: page 82, line 18 recited with page 87, lines 1-2. Reference's "billing, page 83, line 17" function would be used to combine (consolidate) various proposals into a single one, as will be appreciated that bill is a combined statement of various transactions and other data).

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Claim 17. The system of claim 15 wherein the created sales proposals comprise a comparison between existing communication services and ICP provided services (Chen et al: page 87, lines 1-2 read with page 81, lines 12-13. Reference's "comparing" function would be used for claimed limitation).

Response to Arguments

7. Applicant's arguments filed September 12, 2003 have been fully considered but they are not persuasive.

Applicant argues that:

a) Prima facie case obviousness has not been established.

In this regard applicant is referred, for instance, to claim 1 rejection, wherein Chen et al teach claimed limitations in elements a)-c) and e) to m).

Chen et al do not teach limitation in element d): "a gateway for transferring information to and receiving information from telecommunication service providers".

It is where Safadi reference was introduced which teaches the above mentioned limitation (Fig. {20}, col. 4, line 64 read with col. 5, lines 35-44, wherein cited gateway performing interactive sessions among VIPs and VIUs. In other words, it receives video information from one source {VIPs} and transmits or transfers to other sources {VIUs}, which service it would similarly fulfill or perform among any two sources including claimed telecommunication service providers. Moreover, transmitting or transferring information among sources or nodes is a basic function of a gateway, and it would perform said function no matter what the sources {VIPs to VIUs or telecom. service providers to telecom. service

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providers} or the services are {video services or telecom. services}, please see enclosed Teper et al's col. 14, lines 61-64.

Furthermore, in computer and telecommunication networking arts, gateways are in use since so long before that their use at the time of Applicant's invention would be considered inherent or at least one of ordinary skill in the said arts ought to be motivated to advantageously employ gateway including Safadi's in combination with Chen et al's Network Management Forum {NMF} to achieve Applicant's invention successfully.

b) Safadi has nothing to do with integration of communication service providers.

Regarding this, Applicant is directed to Safadi's abstract, lines 1-5, it is clearly stated that Safadi is "a network system structured to deliver or provide communication services, such as broadcast and interactive digital services over a hybrid distribution system and **at least a one remote** local site or hub facilitates communication of video services from VIPs {video information providers} to VIUs {video information users}. Thus, Safadi provides integration of various communication service providers.

c) VIPs are not communication service providers. In this respect, Applicant ought to appreciate that VIPs {video information providers} using Safadi's network {abstract, lines 1-3} provide or communicate video information service to VIUs {video information users}. Since, VIPs and VIUs are remotely located, in that sense VIPs are considered telecom service providers. Again, Applicant may like to see Teper et al's col. 7, line 66 through col. 8, line 6.

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d) Chen et al do not teach "gateway". For this, Applicant is advised to see the following case law:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

e) Chen et al do not teach: "pre-order management component comprising instructions for retrieving customer service records from telecom. service providers and parsing said records into reports containing equivalent ICP services".

In this respect, Applicant is directed to Chen et al's page 82, lines 19-22, wherein "pre-ordering phase operations to MSP for making pre-order service requests of a user or customer" clearly indicating availability of pre-order function or program module or component which a user of Chen et al's system would use for claimed pre-order management. Moreover, said function or program module have to have commands or codes or instructions which the system user would use for getting or obtaining or retrieving information or records relating to a user or customer as indicated by Fig. 6 {box titled "Customer Record"} and page 85, Fig. A {Get or obtain or retrieve customer profile or records-arrow directing from left to right and pointing to customer, and arrow directing from right to left indicating obtaining or retrieving customer information or records in response to above discussed "get customer profile" command or instruction. Moreover, Fig. A

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depicting communication from Sp-to-Sp {telecom. service providers}-page 85, lines 9-13.

Regarding “parsing customer records into reports containing equivalent ICP services”, Applicant is referred to Chen et al’s page 85, lines 15-17, wherein “delegating received client or customer information {messages and data} to sub-processes” inferring that received data and messages or information have to be analyzed or broken down or parsed into parts or components which an specific sub-process would process or execute. Also, Chen et al’s page 80, lines 1-3 recite “billing” provisioning pointing to a program component. Here, “bill” is a “report” and its preparation requiring that customer information or records, such as name, address, charges for the service requested etc., ought to be analyzed or broken down or parsed so the requisite data or information or record is placed or posted in the requisite space or block or box or window etc. in the bill. In support of forementioned fact, Applicant is directed to Teper et al’s col. 19, lines 29-32: “MSN billing system 64A parses the billing log file {relating to a client or customer} and records the specific charges to individual user or client or customer accounts”.

Thus, Chen et al, implicitly teaches or suggests the availability of “parsing” and a user would use it for requisite purpose including the claimed one.

f) Chen et al do not teach: 1) “parsing prior/existing services into equivalent services”; and 2) “retrieving specific customer records from a specific location telecom. service provider”.

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In this respect, Applicant is reminded that the limitations or features are not claimed and the limitations recited in the specification and for that matter in the Remarks are not read into the claims in order to avoid narrowing the scope of claimed invention as per undernoted case law:

It is noted that the features upon which applicant relies (i.e., "parsing prior/existing services into equivalent services"; and "retrieving specific customer records from a specific location telecom. service provider") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Finally, Applicant may like to consider the following facts:

In general, applicant's arguments fail to consider the full teachings of the references in light of the knowledge generally available to those in the appropriate art and the level of ordinary skill in this art. Moreover, applicant's arguments take an overly narrow view of the claim language.

The prior art relied upon in the rejection of the argued claims ought to be considered as a whole in order to appreciate and determine similarity or closeness of the systems under consideration, including the composition of contents and functions (or functionality) of the systems.

Then come nomenclature, terminology and titling of the systems. The systems may be, and usually are, named, terminology used, titled differently by proponents or applicants, yet the component composition would be same or similar and they would be performing same or similar function(s).

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In the light of above stated facts, Examiner respectfully states that applicant's arguments have been fully considered, deemed unpersuasive and the prior rejection is maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on Monday-Friday 11:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax

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phone number for the organization are (703) 872-9326 and for After Final (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


M. Irshadullah
November 26, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3623